

VZCZCXRO1587  
PP RUEHBC RUEHDE RUEHIHL RUEHKUK  
DE RUEHGB #0419/01 0390943  
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P 080943Z FEB 07  
FM AMEMBASSY BAGHDAD  
TO RUEHC/SECSTATE WASHDC PRIORITY 9485  
INFO RUCNRAQ/IRAQ COLLECTIVE PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 000419

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E.O. 12958: DECL: 02/06/2017  
TAGS: [PREL](#) [PGOV](#) [IZ](#)  
SUBJECT: UN OUTLINES CONCERNS WITH IRAQ'S CONSTITUTIONAL  
REVIEW PROCESS

Classified By: Deputy Chief of Mission Daniel Speckhard for reasons 1.4  
(b) and (d).

[11](#). (C) Summary: Deputy Special Representative to the  
Secretary General (D/SRSG) Michael Schulenburg and UNAMI

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Director for the Office of Constitutional Support Professor  
Nicholas Haysom updated the DCM on the Constitutional Review  
Committee's lack of urgency and unwillingness to tackle the  
tough political problems. They believe that perhaps placing  
a priority on first passing discrete laws on controversial  
issues (and then enshrining any legislative compromises in  
the constitutional review process) might improve the process.  
Schulenburg updated the DCM about the new UNAMI C-130 based  
at Baghdad International Airport. End Summary.

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A LACK OF URGENCY  
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[12](#). (C) Professor Haysom explained that the Constitutional  
Review Committee (CRC) had divided their work among three  
sub-committees: (1) purely technical issues, which are  
non-controversial and expected to be rubber stamped; (2)  
non-contentious issues of substance; and (3) contentious,  
substantive political issues.

[13](#). (C) CRC members told Haysom that they expect the work to  
take them to mid-May. However, Haysom cautions there may be  
further delays "because they have yet to address the  
contentious political issues of substance." "There is no  
sense of urgency, even among the Sunnis," he remarked.

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NO INTEGRATED JUDICIARY  
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[14](#). (C) The UN recommends that the CRC change its approach to  
a thematic one: (1) architecture and interaction of the  
judiciary, at the federal, regional and governorate levels,  
(2) corrections to discrete areas of the bill of rights, (3)  
framework for the division and exercise of government powers,  
and (4) wealth-sharing.

[15](#). (C) Haysom pointed out that certain parties who want to  
keep the status quo do not realize that, for example, Kurdish  
judicial decisions cannot be enforced in Baghdad, or that a  
national air traffic control system cannot be established.  
The UN approach focuses on educating the parties to the  
concrete ways in which particular changes might improve the  
system of governance, and to show parties that changes are  
therefore not necessarily threatening (nor do they imply a  
zero sum gain).

[16](#). (C) In February, the UN will take CRC members on fact  
finding trips to Malaysia, Spain and Germany to examine

different models of federalism, judicial structures, and wealth-sharing arrangements. On January 20-24 the UN hosted a conference in Cairo entitled "Mapping Out a New Federal Judicial System for Iraq" which included CRC members and leading judges, including Iraqi Chief Justice Dr. Medhat al-Mahmoud.

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CONSIDERING A DIFFERENT APPROACH  
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17. (C) D/SRSG Schulenburg opined that the constitutional review process should not get tangled up with the competing legislative process. "Maybe by first resolving some of the core political issues in discrete pieces of legislation, we could facilitate the constitutional review process," he observed. Starting with discrete problems and then finding specific solutions might be a more practical approach than starting with broad theories and working downwards into the details. This might require, however, lengthening the constitutional review process and focusing instead on legislation.

18. (C) D/SRSG Schulenburg also suggested investigating a "seven wise men" approach, as was done in Spain, whereby a group of political elders were brought together to deal with various heated issues. DCM pointed out that, unless it was set up very carefully, such a group could undermine the current process.

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UNAMI'S C-130  
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19. (C) Schulenburg also provided an update on the Danish C-130 provided to UNAMI. Management Counselor and UNAMI Chief Administrative Officer John Griffith are hammering out

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an agreement to allow USG access to the plane. Routes from Baghdad International Airport include twice-weekly flights to Amman and regular weekly service to Erbil.  
KHALILZAD